

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 504**

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**Introduced by Assembly Member Gonzalez**

February 23, 2015

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An act to ~~amend Section 65000 of~~ *add Section 65108 to* the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 504, as amended, Gonzalez. ~~General plans.~~ *Local planning.*

The Planning and Zoning Law, among other things, ~~requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city and of any land outside its boundaries that relates to its planning, and provides for the adoption and administration of zoning laws, ordinances, rules, and regulations by counties and cities.~~ *establishes in each city or county a planning agency and requires each city or county to, by ordinance, assign the functions of the planning agency to a planning department, one or more planning commissions, administrative bodies or hearing officers, the legislative body itself, or any combination thereof, as it deems appropriate and necessary. The law requires, if a city or county does not make an assignment, as specified, the legislative body of the city or county to carry out all the functions of the planning agency. The law specifies the functions of a planning agency and the minimum membership of a planning commission to be at least 5 members who act in the public interest.*

~~This bill would make a nonsubstantive change to these provisions: would, notwithstanding any other law, authorize a city to delegate to, or authorize pursuant to a contract with, a nonprofit public benefit~~

*corporation the performance of administrative or ministerial planning functions and powers and require that the city retain all nonadministrative or nonministerial planning functions. The bill would require a nonprofit public benefit corporation performing administrative or ministerial planning functions and powers to comply with city laws and plans and state laws, including, but not limited to, laws relating to the requirements for open meetings and the disclosure of public records, as specified. The bill would require any planning action taken by a nonprofit public benefit corporation to be able to be appealed to the legislative body of the city. The bill would require a nonprofit public benefit corporation, beginning on or before July 1, 2016, and annually thereafter, to report to the legislative body of the city on the planning functions it has undertaken in the previous calendar year, and require the legislative body of the city to review and approve each report at a noticed public hearing. The bill would also state that this is an issue of statewide concern.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 65108 is added to the Government Code,  
2     to read:  
3     65108. (a) Notwithstanding any other law, a city may delegate  
4     to, or authorize pursuant to a contract with, a nonprofit public  
5     benefit corporation organized under the Nonprofit Public Benefit  
6     Corporation Law (Part 2 (commencing with Section 5110) of  
7     Division 2 of Title 2 of the Corporations Code) the performance  
8     of administrative or ministerial planning functions and powers. A  
9     city shall retain all nonadministrative or nonministerial planning  
10    functions.  
11    (b) (1) A nonprofit public benefit corporation performing  
12    administrative or ministerial planning functions and powers shall  
13    comply with the city's charter, contracting rules, municipal code,  
14    ordinances, and any other applicable parts of a general plan,  
15    community plan, specific plan or other plan, and all applicable  
16    local and state laws, including, but not limited to, the California  
17    Public Records Act (Chapter 3.5 (commencing with Section 6250)  
18    of Division 7 of Title 1, and the Ralph M. Brown Act (Chapter 9

1 *(commencing with Section 54950) of Part 1 of Division 2 of Title*  
2 *5).*

3 *(2) Any planning action taken by a nonprofit public benefit*  
4 *corporation shall be able to be appealed to the legislative body of*  
5 *the city.*

6 *(c) (1) On or before July 1, 2016, and annually thereafter for*  
7 *as long as the planning functions and powers continue to be*  
8 *delegated or an authorizing contract is in effect pursuant to*  
9 *subdivision (a), a nonprofit public benefit corporation shall report*  
10 *to the legislative body of the city on the planning functions it has*  
11 *undertaken in the previous calendar year that includes, but is not*  
12 *limited to, a detailed description of each planning function and*  
13 *an explanation of how it is consistent with the city's charter,*  
14 *municipal code, ordinances, and any applicable parts of a general*  
15 *plan, community plan, specific plan or other plan, and all*  
16 *applicable local and state laws.*

17 *(2) Each report shall be reviewed and approved by the*  
18 *legislative body of the city at a noticed public hearing.*

19 *SEC. 2. The Legislature hereby finds and declares that*  
20 *maintaining uniformity in the planning responsibilities of cities*  
21 *within this state, including charter cities, has a direct impact on*  
22 *the well-being of all residents of this state. Therefore, the*  
23 *Legislature finds and declares that authorizing a city to delegate*  
24 *to, or authorize pursuant to a contract with, a nonprofit public*  
25 *benefit corporation the performance of administrative or*  
26 *ministerial planning functions and powers within the State of*  
27 *California, is an issue of statewide concern and not a municipal*  
28 *affair, as that term is used in Section 5 of Article XI of the*  
29 *California Constitution. Therefore, this act shall apply to every*  
30 *city in this state, including a charter city and charter city and*  
31 *county.*

32 ~~SECTION 1. Section 65000 of the Government Code is~~  
33 ~~amended to read:~~

34 ~~65000. This title shall be known and may be cited as the~~  
35 ~~Planning and Zoning Law.~~